

1
2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF NEW YORK
-----x

4 CORY EPPS,

5 Plaintiff,

6 v.

1:19-cv-00281-LJV

7 THE CITY OF BUFFALO, DETECTIVE
8 JOHN BOHAN, DETECTIVE
9 REGINALD MINOR, DETECTIVE
10 MARK STAMBACH, DETECTIVE
11 JAMES GIARDINA, DETECTIVE
12 ANTHONY CONSTANTINO,
13 DETECTIVE ROBERT CHELLA,
14 RANIERO MASSECHIA, CHARLES
15 ARONICA and CHIEF JOSEPH RIGA,

12 Defendants.

13 -----x

14 March 29, 2021
15 10:50 a.m.

16 Videoconference deposition of REGINALD
17 MINOR, taken by plaintiff, pursuant to
18 agreement, reported remotely by Lisa Mango,
19 a Shorthand Reporter and Notary Public of
20 the State of New York.
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APPEARANCES:

RICKNER PLLC

Attorneys for plaintiff

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BY: ROB RICKNER, ESQ.

CITY OF BUFFALO DEPARTMENT OF LAW

CORPORATION COUNSEL'S OFFICE

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BY: MAEVE HUGGINS, ESQ.

STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED,
by and between counsel for the respective
parties hereto, that all objections, except
as to form, are reserved to the time of
trial.

IT IS FURTHER STIPULATED AND AGREED
that the deposition may be signed and sworn
to before any officer authorized to
administer an oath.

IT IS FURTHER STIPULATED AND AGREED
that the sealing and filing of the
deposition be waived.

Minor

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REGINALD MINOR,

called as a witness, having been duly
sworn, testified as follows:

EXAMINATION

BY MR. RICKNER:

Q. When you retired from the Buffalo
Police Department, were you a detective?

A. Yes, sir.

Q. I'm going to call you Detective
Minor then, if you don't mind.

A. No problem.

Q. Detective Minor, have you ever
had your deposition taken before?

A. I've had depositions taken, yes.

Q. Okay. So you've been through a
process similar to this, probably not over
Zoom but in a conference room?

A. Yes.

Q. How many times have you had your
deposition taken?

A. I can't count.

Q. More than five?

A. Yes.

Q. And what types of cases were

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those?

A. Mostly homicide cases.

Q. You gave a deposition for a homicide case or civil suit related to a homicide?

A. Well, not -- well, see --

MS. HUGGINS: Can we just clarify what you mean by deposition, Rob.

Q. When I say deposition, I mean a civil suit where you sit down and provide testimony in a conference room or a similar setting for the purpose of a civil case. Have you ever done that before?

A. Not that I recall.

Q. Okay. So your attorney probably has gone over some ground rules, but I'm just going to go over them now with you just to make sure we get a nice, clear record.

Now, the first ground rule is I tend to ask rambling questions and I will keep talking and you may know exactly where I am going. Even so, you need to wait until I am finished talking before you jump

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in to give your answer so we can get a
nice, clear division.

Can you do that for me?

A. I'll try.

Q. Thanks. That is all I can ask
for.

You are testifying in a
conference room over Zoom. This is as
though you are testifying in a court of
law, meaning you have to tell the truth,
the whole truth and nothing but the truth.

Will you do that for me?

A. Yes.

Q. Now, there may come a time that
you want to take a break. That's fine.
Just answer the pending question and then
ask us for a break and you are welcome to
do so whenever it is reasonable. We don't
want you to get uncomfortable.

Do you understand?

A. Yes.

Q. Now, if I ask a question, I'm
going to assume you understand it when you
provide an answer. So, please, if you

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don't understand one of my questions, tell me you don't understand so I can rephrase it.

Will you do that for me?

A. Yes.

Q. How many times do you think you testified in trial during your career as a police officer?

A. Hundreds.

Q. And did you ever testify at grand juries?

A. Yes.

Q. And were you ever cross-examined at trial with your grand jury testimony?

A. No.

Q. Not once?

A. Cross-examined by a defense attorney?

Q. Yes, using the prior grand jury testimony.

A. Oh, I thought you meant cross-examined in the grand jury.

Q. Right. That would never happen. They are not allowed.

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2 A. That's why I said no to that.

3 Q. You have testified with grand
4 jury testimony at a later trial?

5 A. Yes.

6 Q. You understand how important it
7 is to give careful, accurate answers when a
8 transcript is being generated, right?

9 A. Yes.

10 Q. Have you taken any medication or
11 failed to take any medication that would
12 somehow result in your memory being
13 impaired and you not being able to give
14 full and truthful testimony?

15 A. No.

16 Q. Do you have any medical
17 conditions that would prevent you from
18 giving full, truthful testimony due to some
19 impairment of your memory?

20 A. No.

21 Q. Now, prior to starting this
22 deposition, my understanding is that you
23 have glaucoma, is that right?

24 A. Yes.

25 Q. And that makes it difficult for

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2 you to read?

3 A. Exactly.

4 Q. At certain times in this
5 deposition, if you have any difficulty
6 reading a particular exhibit, tell us and
7 we'll get assistance from your attorney or
8 I can potentially read it to you so you can
9 understand what we're asking about even if
10 you may be having some trouble reading it.
11 Is that fair?

12 A. Yes.

13 Q. Great. When did you join the
14 force?

15 A. 1984. I believe January.

16 Q. When did you graduate high
17 school?

18 A. Like --

19 Q. What year?

20 A. -- '75 maybe. '73, '75.

21 Q. Okay. So in between, let's say,
22 1973 or 1975 and 1984, were you employed as
23 a police officer anywhere?

24 A. In between -- repeat the
25 question.

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Q. Before you started with the Buffalo Police Department but after you left high school, did you ever work in law enforcement?

A. No.

Q. Did you join the military?

A. No.

Q. Just, generally speaking, what kind of employment did you have from the time you left high school until the time you joined the Buffalo Police Department?

A. I was a youth counselor with CAO Youth Development. I was a nurse's aide, Erie County Medical Center. I was a counselor with the Family Planning Program under a federal grant. I worked volunteer work with anti-rape/sexual assault.

Let's see. I think that's about it that I can recall.

Q. Okay. When you joined the Buffalo Police Department, did you go to any kind of training academy?

A. Yes.

Q. Now, during the course of that

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training academy, were you ever trained on how to do a photographic lineup or a photo array?

A. Yes.

Q. And can you just describe to me what kind of training you got at the initial police academy regarding doing a photo array.

A. Well, we would use photos and a photo that we would have of a targeted individual and we would have to choose photographs that were similar in the physical structure of the individual, whether they are standing, sitting or facial and a profile shot.

We would put the photos together, number them and basically display these photo arrays to the witness by giving them a preamble to the photo array.

Q. What do you mean by a preamble?

A. Like, for example, I'm going to show you a Buffalo Police Department photo array that consists of six photographs numbered one through six. It is

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photographs of six black males. I want you to review the array to determine if there is anyone in the array in regards to this case that we are investigating.

The array would be placed on the desk before the person. You step back three feet and observe the individual observing the photo array and record and write down what that person has done.

Q. Was that training you received at the police academy or at some other later date, for example, when you became a detective?

A. A little at the police academy and then more so at a later date.

Q. Now, do you know what Brady material is?

A. It is material that hasn't been divulged in the investigation. It was held back. I think. Somewhere along those lines.

Q. You accurately described the Brady violation. Let me ask the question a little differently.

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Did you understand, in your time as a police officer and a detective, that you had an obligation to turn over exculpatory evidence to the prosecution, meaning evidence that might tend to suggest that the criminal defendant is innocent or that one of the witnesses was lying or something similar? Did you know about that?

A. Yes.

Q. Okay. Did you learn about that in the police academy?

A. We might have learned about that in the police academy, yes.

Q. Did you learn about it when you became a detective?

A. Learned about it, yes. When I -- once we were graduated, yes.

Q. So after you graduated from the police academy, what was your first station?

A. Precinct 12, 1186 Genesee Street, as a patrolman.

Q. How long were you a patrolman?

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A. Eight-and-a-half years, I believe.

Q. So that brings us into 1994, 1995?

A. 1992 was when I believe I became a detective in the Homicide Unit. March.

Q. Okay. Well, I don't want to skip over anything. Did you go from being a patrolman to a homicide detective?

A. Yes.

Q. And you became a homicide detective in 1992?

A. Yes.

Q. When you became a homicide detective, did you go to any particular training academy?

A. There were trainings offered and I attended some of them. Training on homicides or interrogation and interviews.

Q. Where did you do those trainings? Were those internal or were you going somewhere else?

A. Some were internal and some were out of state. One of which I attended was

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in Texas, exhuming the human remains.

Also interviewing techniques and interrogations. I believe that was somewhere in 1994.

Q. And where did you take the interviewing and interrogations class?

A. There was a couple offered with the Buffalo Police Department.

Q. Did you take any interview and interrogation classes that weren't given directly by the Buffalo Police Department?

A. There might have been -- you know, like I said, exhuming human remains was a large class. It consisted of quite a few subject matters. And also interviewing techniques and interrogation techniques was included in that.

There were several that I attended out of town.

Q. Now, prior to becoming a police officer, did you know Cory Epps?

A. No.

Q. Prior to Cory Epps' arrest for the murder of Tomika Means, had you ever

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met him?

A. I don't recall.

Q. Did you ever get into a fistfight
with Cory Epps on the street?

A. Not that I recall.

Q. Did you grow up in Buffalo?

A. No.

Q. Did you live in Buffalo prior to
becoming a police officer?

A. Yes.

Q. For about how many years?

A. I'm not sure.

Q. More than five?

A. Yes.

Q. Did you live in a particular
neighborhood in Buffalo before you became a
police officer?

A. I lived in several neighborhoods.

Q. What neighborhoods did you live
in before you became a police officer?

A. In regards to Buffalo or what?

Q. Oh, Buffalo.

A. Shoreline Apartments. Let's see.
Dunlop Avenue, Wasmuth Avenue, Oxford

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Avenue.

Q. Now, did there come a time when you became involved in the investigation into the Tomika Means murder?

A. Yes.

Q. How did you become involved in the investigation with the Tomika Means murder?

A. I'm not totally sure of my activities in that particular case, but I recall it because it's kind of unique. It was supposed to be a road rage homicide, so...

Q. Well, going back to the mid '90s, was there a particular group of detectives that you worked with regularly?

A. Yes.

Q. Which detectives did you work with regularly in the mid '90s?

A. Let's see. Ann Cancere (phonetic), Ray Massechia, Bob Chella, Denise Crawford. Let's see. Let's see. Louie Collari (phonetic). Let's see. Bob Grabowski (phonetic). I forgot his

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partner's name.

But quite a few individuals, you know.

Q. Did you have -- I'm sorry. You can keep going.

A. Go ahead.

Q. Did you have a particular partner that you worked with?

A. One time I was with Bob Chella, but my partners would change according to who is coming in and all of that stuff.

Q. Did you ever work with a Detective Morales?

A. Morales?

Q. Yes.

A. First name?

Q. Juan I believe.

A. Yes. On cases, yes.

Q. What about John Bohan?

A. Bohan, yes.

Q. You worked with him as well?

A. Yes.

Q. Now, when you would be assigned to work on a particular homicide

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investigation, who would make that assignment? How would you end up initially getting involved in a case?

A. It's the time frame in which you are working. If you are working like say 3 to 11, a call comes out, you're working, so it's your case that you might get assigned to it.

Q. Now, do you know if the Tomika Means case had a lead detective?

A. I don't think we were into lead detectives at that point. You know, you get a case and some people would have a flavor for it and maybe just run with the case. But not necessarily assigned lead detective.

Q. With respect to the Tomika Means murder, was there somebody who had a particular flavor for it, in your words?

A. Not that I recall.

MR. RICKNER: Now, I'd just like to get some help from Maeve.

Can you pull up Exhibit 9 for me.

MS. HUGGINS: Do you want me to

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show the exhibit to the witness?

MR. RICKNER: Yes. Let's see how
it goes.

MS. HUGGINS: This is Exhibit 9.

THE WITNESS: Okay.

Q. I would like you to look through
Exhibit 9 and tell me if you recognize what
it is.

A. It looks like the cover of a
photo array.

And it's a photo array.

Q. Okay. I'd like you to go to the
third page.

A. Yes.

Q. Can you tell me if you recognize
the handwriting on this third page?

A. No, I do not. I could barely see
the handwriting.

Q. That makes two of us.

All right. Well, let me just go
back and ask about your memory. Do you
remember meeting somebody named Jackie
Bradley with respect to the Tomika Means
homicide?

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A. No.

Q. Do you remember showing somebody photo arrays with respect to the Tomika Means murder?

A. No, sir.

MR. RICKNER: Can we get Exhibit 10.

MS. HUGGINS: I am showing Exhibit 10 to the witness.

Q. See if you can make out this exhibit and tell me if it refreshes your recollection as to whether or not you ever came into contact with somebody named Jacqueline Bradley?

A. I can't read it, so...

Q. Okay. I'm just going to reflect to you that this is a memo by John Bohan. In it it states that you and Detective Bohan went to Jacqueline Bradley's house on July 6, 1997 and showed her a photo array.

Does that refresh your recollection?

A. No, it does not.

Q. In your work as a detective, when

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you made a photo array, you put one target in and then five fillers, is that right?

A. Yes. The suspect.

Q. Right.

A. Yes.

Q. Now, were there ever any instances where you put the suspect's photo into more than one photo array with different fillers?

A. Repeat the question.

Q. So when you have a single photo array, you have five fillers and one suspect, right?

A. Yes.

Q. Were there ever instances where you would actually make two photo arrays, same suspect, different fillers?

A. Yes.

Q. And were there times when you ever showed those two photo arrays to a witness to see if they could identify the subject?

A. Showing those two photo arrays to one witness?

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Q. Correct.

A. No. I mean -- no.

I'm trying to understand what you're talking about. We got two different photo arrays. The same suspect in the photo array. Now I'm going to show those two photo arrays with the same suspect to the one witness?

Q. Correct.

A. No. No. Not that I recall doing that, no.

Q. Okay. Now, we've discussed Jacqueline Bradley.

As you sit here today, do you remember any of your involvement in the investigation into the Tomika Means homicide?

A. To be honest with you, sir, not really, no.

Q. Well, you say not really. Do you remember anything?

A. Not my involvement. And the only reason why I'm saying that is because when I'm called to deal with a case, I usually

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can read the material, see the photos of the individual, things of that nature, and it may jog my memory, oh, yeah, I remember that.

But right off of that, I do not recall exactly what I did in the Tomika Means case.

Q. And is it fair to say that due to your visual impairment, you can't read the documents that would jog your memory as well?

A. I can't read the documents, that's true. I can't read the documents.

But this is a difficult process for me because my vision is like part of my memory and, you know, it is kind of hard to describe.

And so with the Tomika Means case, it's just -- anything outstanding I don't recall doing. So, you know, if it something like I did, like you said, with Detective Bohan, okay, we showed the photo array, but I don't recall it specifically.

Generally -- I know I am

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blabbing, going on and on -- I would recall the location, the house and all that stuff. But I don't recall it, so...

Q. Okay. Now, do you remember showing any photo arrays to anyone with respect to the Tomika Means murder?

A. Not that I recall.

Q. Now, do you remember that somebody named Cory Epps was arrested for that murder?

A. Yes.

Q. Okay. Did you ever have any contact with Cory Epps?

MS. HUGGINS: Object to the form. You can answer.

THE WITNESS: Pardon.

MS. HUGGINS: You can answer. It is just a form objection.

MR. RICKNER: That is a vague question.

Q. Following Cory Epps' arrest, did you ever have any contact with him?

A. I don't recall if I did. But I might have. I don't recall.

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Q. Besides being sort of aware that he was arrested, do you think you ever saw him?

A. Have I saw him?

Q. Yes.

A. At what point?

Q. In the police station. At any time.

A. Not that I recall, but, you know, I might have if I was there when he was arrested, you know.

Q. Okay. Did you participate at all in the lineup that he was placed in following his arrest?

A. I don't recall it. I'm sorry. I don't recall it. But I participate in a lot of lineups, so...

Q. Fair enough.

Well, going back, do you remember that somebody named Paul Pope was murdered in the '90s in Buffalo?

A. Yes.

Q. Did you work on that murder investigation?

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A. Yes.

Q. What was your role in that murder investigation?

A. The scene investigation was unique to me, so I was part of the scene. I thought that was very important in the investigation.

Q. Does that mean where the body was found?

A. Yes, where the body was found and the house that was associated with it.

Q. All right. When you got to the scene of the Paul Pope murder, did you speak to any witnesses?

A. I don't recall if I spoke to witnesses or the officers that might have discovered the body.

Q. Well, following your time at the crime scene, did you interview any witnesses back at the police station?

A. Yes, there might have been some witnesses interviewed.

Q. Okay. Do you know who assigned you to interview those witnesses?

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A. No.

Q. So let's just go to April 17 of
1998.

Did you interview a witness named
Constance Ferguson? Does that refresh your
recollection?

MS. HUGGINS: Do you want me to
pull up a particular exhibit?

MR. RICKNER: Well, try showing
him Exhibit 53.

MS. HUGGINS: Okay.

(Pause)

MS. HUGGINS: Give me a moment.
I had them in order and took them apart
this morning.

THE WITNESS: Can I use this time
to drop my eyes or no?

MS. HUGGINS: Yes, you can.

(Pause)

MR. RICKNER: Does the witness
have the exhibit?

MS. HUGGINS: He does.

(Pause)

Q. Now, can you do just your best to

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look at Exhibit 53. Tell me if you recognize what it is. If not, I can chime in and start reading parts of it to you.

A. It appears from the structure to be a statement.

Q. Okay. Do you see your signature on the last page where -- actually, it's not your signature, just your stamp, where it says sworn to by Reginald Minor?

A. I see the structure of sentences, but I can't make out what it reads.

Q. Okay. See if this helps refresh your recollection about this statement.

MS. HUGGINS: He's going to read it.

Q. Give it your best shot.

A. I am going to use this thing to see what you are talking about.

Okay. So I see Reginald Minor, Examiner.

MS. HUGGINS: The record should reflect that you have a small magnifying glass.

THE WITNESS: Yes, a jewelry

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magnifying glass thing.

Q. Okay. I want to go over -- I'm going to represent to you, and I think that based on what you just reviewed, that is correct, that this is a statement that you yourself took.

A. Okay.

Q. On the first page, it says April 17, 1998. Started 2:30.

I don't know if you want to look to verify that or if you will accept my representation.

MS. HUGGINS: Say that, again, Rob.

MR. RICKNER: It says April 17, 1998. Started at 2:30.

MS. HUGGINS: Yes.

MR. RICKNER: Okay.

Q. Now, if it says 2:30 without an a.m. or a p.m. afterwards, based on your own process back then, would that mean 2:30 in the morning as opposed to 2:30 in the afternoon?

A. It could mean that.

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Q. Well, would you use military time or 24-hour time?

A. Correction, sir. It says 0230.

Q. So does that 0230 versus 2:30 mean something?

THE WITNESS: Is that an 02?

MS. HUGGINS: Yes.

A. That would be 2:30 in the morning.

Q. Does that mean that statement was taken at 2:30 in the morning on April 17?

A. It should.

Q. There is the Penalty of Perjury section? It says the 18th day of April 1998. That's on the third page.

MS. HUGGINS: I'm just going to direct him so he knows what line you're referring to.

MR. RICKNER: Yes.

MS. HUGGINS: I am directing the witness to page 3 of the exhibit, lines 55 and 56.

MR. RICKNER: Yes.

MS. HUGGINS: Are you able to

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Minor

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make that out?

THE WITNESS: Not really.

MS. HUGGINS: You want me to read
it to you?

THE WITNESS: Yes.

MS. HUGGINS: I am going to read
it to the witness.

MR. RICKNER: Please do.

(Pause)

Q. Now, based on that date, can you
tell me when this statement was provided?

A. No. I mean, I can only tell you
that I would -- well, no, I can't just
based on what's there. It seems like we
have two different dates. Is that what you
are trying to get at?

Q. Yes, and I am just wondering when
the statement was taken.

A. Those, you know, mistakes -- I
know I would make those mistakes with the
time and date and ending it and all that.
So, you know...

MR. RICKNER: Okay. Well, can we
pull up -- this is a new exhibit. If

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memory serves, we are on 89.

MS. HUGGINS: Yes.

MR. RICKNER: This is COB 1334
through 1336, regarding Claude Dove.

(Document Bates stamped COB
00001334 through 00001336 marked
Exhibit 89 for identification)

MS. HUGGINS: The exhibit is in
front of the witness.

Q. Now, do you remember somebody
named Claude Dove with respect to the Paul
Pope homicide?

A. Not really, no.

Q. All right. Take a look at the
time start and date on the front page for
me, please.

MS. HUGGINS: I'm going to read
it to the witness.

April 17, 1998. File No. 98-073.
CD No. 106-0904. Time started 1400.

Q. Now, as we discussed before, that
indicates that this would have been a
statement that started about 2 p.m. on
April 17, 1998?

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A. Yes, according to that time.

Q. Now, April 17, 1998, if you remember, did you have a particular shift that you were working? Day shift, night shift, something else?

A. I don't know what shift I was working. Some of these cases, they will go into the different shifts. They will bleed into different shifts. So I don't know what shift I was working at the time.

Q. So if you had an active crime scene, you might be going well more than eight hours?

A. Yes.

Q. Now, I'd like you to look at the last page where it says statement ended at 1456 hours and then the signature where you signed April 17, 1998.

MS. HUGGINS: I'm going to read it to him.

(Pause)

Q. Now, in the Buffalo Police Department, how many rooms were there that were used for interviews?

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MS. HUGGINS: Objection to form.
Within the Homicide office?

MR. RICKNER: Yes.

Q. Within the Homicide office, how
many rooms were used for interviews?

A. I think there were at least --
well, that is not correct. It could be one
or two.

Q. Would it be fair to say the
exhibit we just put in front of you,
Exhibit 89, would have been typed up in one
of those Homicide rooms?

A. Not necessarily.

Q. Where else might it have been
typed up?

A. It might have been typed up in an
adjacent office. SOS. Robbery if they
were still in existence.

It could have been at a desk.
You know, depending on how many people were
in the office at the time.

Q. Well, let's put it a different
way. Do you have any reason to believe it
wouldn't have happened somewhere at the

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Buffalo Police Department?

A. It happened in the Buffalo Police Department, yes.

Q. Okay. Now, when you would do statements, when you would take statements, would you take notes as well while you were doing it?

A. Not necessarily.

Q. Well, when you say not necessarily, there were times when you sometimes took notes and times when you didn't?

A. Right.

Q. Would you ever audio record statements from witnesses?

A. No. We didn't move into that aspect of it until much later.

Q. When you were preparing statements, did you ever dictate them and have somebody type them up later?

A. I don't recall dictating statements to anyone.

Q. Did you ever dictate memos to people?

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A. I might have tried that system on occasion.

Q. When you would do a memo, would you write it out by hand and have somebody else type it up?

A. I might have tried that system on occasion.

Q. Would you type your own memos?

A. Type out the memos?

Q. Sure. Do you know what a P-73 is?

A. Yes.

Q. Fair to say you drafted quite a few P-73s in your time as a detective?

A. Yes.

Q. When you were drafting a P-73, how would you do it?

A. Sometimes I would just do it by memory or sometimes I would write it out and do it.

Q. When you say you are doing it by memory, that means you are the one doing the typing based on what's in your memory?

A. Yes.

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Q. And there were some times where you would write it out first and then it would get typed up?

A. Yes.

Q. What would happen to those handwritten notes after you were done with them?

A. They would be placed in the file.

Q. Did you have a memo book of some kind that you would carry around with you to record things while you were out in the field?

A. Yes.

Q. Can you just describe that memo book for me?

A. These memo books would vary. They could be scraps of paper. At times they can be a memo book. So it varied from time to time.

Q. And what would you do with those memo books? Did you store them, did you place the sheets into the file, something else?

A. I would take the sheet off and

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Minor

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put it into the file.

Q. And that is something that you would do?

A. Yes.

Q. Now, could you tell me approximately when you arrived at the scene of the Paul Pope homicide?

A. I can't recall exactly when I arrived.

Q. If I said it was early in the morning, would that ring a bell?

A. Not necessarily, no.

Q. Do you remember if it was light out or dark out?

A. I think light.

Q. When you say light, early morning light, daytime, something else?

A. Just daylight.

MR. RICKNER: Can we go to Exhibit 51, please.

MS. HUGGINS: What has been marked as Exhibit 51 is shown to the witness.

Q. Now, I'd like you to please take

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Minor 40

a look at this exhibit and tell me if this was a memo that you had written based on the format and what was written up?

A. Based on the format, because I can see a little bit my name, this is probably where I was trying to distinguish it.

Q. Okay. So if your name is in bold italics in the front line, would that generally be an indication that this was a P-73 that you drafted?

A. Yes.

Q. I am going to tell you that this says you got a call about 7 a.m. from a Lieutenant William Cornwall.

A. Okay.

Q. And you can verify this with your attorney if you would like, but I'm just going to read to you two sentences from the first paragraph of this memo.

It says: I arrived at the office at approximately 0800 hours. Lieutenant Cornwall briefed me on the situation.

Do you see that? Is that correct

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Minor 41

based on a representation from your attorney?

MS. HUGGINS: He did not review this prior to the deposition. If I could have an opportunity to read him the whole P-73 if you are going to ask him questions.

MR. RICKNER: Sure. Go for it. I am going to go through a few pieces of it, but whatever you feel more comfortable. Whatever makes sense.

MS. HUGGINS: Do you want me reading it on the record?

MR. RICKNER: No. I would just like a statement that you read it.

If you want to go off the record and go over this one, feel free, because I think there are a few things that are important.

(Pause)

MS. HUGGINS: I represent that I just read to Detective Minor Exhibit 51.

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Minor

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Q. Now, based on Exhibit 51, is it fair to say that you arrived at the Buffalo Homicide Department at 8 o'clock?

A. Yes.

Q. Now, to the extent you remember, what conversation did you have with Lieutenant Conwall?

A. I don't recall the conversation, per se. It's in the record here.

Q. Well, is it fair to say that you were updated on quite a few cases in the course of your work as a detective by Lieutenant Conwall?

A. On this particular date?

Q. No, no. Just in general.

A. In general, that is what Lieutenant Conwall would do or anybody that is calling you in regarding the case would do that, give you an update as to what you were being called in for.

Q. During those updates, what kinds of information would you get with respect to a homicide?

A. It depends on what it is. It

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Minor

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depends on what, you know, the assignment is. You know, you don't get -- it just depends on what they want to tell you at that particular time. So I don't really know.

Q. Would you discuss what witnesses had said?

A. It varied with individuals calling you. Some people are more detailed. Some are not.

Q. Okay. But, I mean, just with respect to Lieutenant Conwall, would you say he was more detailed?

A. Again, not trying to be evasive, it depends on his mood.

Q. Okay. Sometimes he gave a lot of detail and sometimes he didn't?

A. Yeah.

Q. Okay. Fair enough.
It also says that at approximately 0900 hours your officers proceeded to 219 Grape Street.

Do you remember that?

A. Yes.

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Q. Now, does that mean that at approximately 9 you left the Homicide office to go to Grape Street?

A. Probably so. I'm not sure.

Q. Do you have any reason to believe that you weren't in the Homicide office from approximately 8 to approximately 9 in the morning on April 17, 1998?

A. No.

Q. That is essentially what is reflected in Exhibit 51, right?

A. Yes.

MR. RICKNER: Can we mark as Exhibit 90 COB 840.

(Document Bates stamped COB 00000840 marked Exhibit 90 for identification)

MS. HUGGINS: Exhibit 90 is in front of witness.

Q. Can you do me a favor and look over Exhibit 90 as closely as you can. In particular, take a look at box number 27 at the bottom which has your name in it.

MS. HUGGINS: Rob, I'm going to

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Minor 45

have to help him with this document.
Is there something in particular you
want him to note?

MR. RICKNER: I am wondering if
the form of the document, if that
refreshes his recollection or if he can
tell me what the document is in a
general matter, and I would like to
know why his name was on it.

MS. HUGGINS: The record should
reflect I am going to read the top
portion of Exhibit 90 to the witness.

(Pause)

MS. HUGGINS: If you want to,
Rob, repeat your question about what
the document is.

Q. Can you tell me what this
document is generally?

A. I'm sorry, but I can't. I don't
know if it's in relation to an arrest. I'm
not sure.

Q. Well, I'll reflect to you the
text in the body of the document says:
Regarding homicide of one Paul Pope on

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4/16/98, one Russell Montgomery, black male, DOB: 6/1/72, was arrested and charged with murder, second degree, on 10/21/99 by Officer Ammerman, E District.

Then at the bottom, there is a place that says Detective Assigned (Signature) and it is not signed.

And then the next box, Box 27, it says Detective Reginald Minor.

Does me going over that refresh your recollection as to what this might be?

A. Like I said, it might be in relation to the arrest.

All I can do is speculate. I don't know if you want me to do that.

Q. I will take your speculation and --

MS. HUGGINS: No, we don't want you to speculate.

MR. RICKNER: I am allowed to ask for it.

Q. I want you to speculate. Tell me what you think it is.

MS. HUGGINS: I object to the

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Minor

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form.

MR. RICKNER: Okay. That's fine.

MS. HUGGINS: He doesn't recall
what this document is.

Q. If you had to make your best
guess, tell me what this document is?

MS. HUGGINS: You can still
answer it. I made my objection on the
record.

A. When uniform officers make an
arrest like this, and I think he might
have, we just get called down to add our
names in regards to association with the
case.

So I don't know if Ammerman was
the guy who actually made the arrest. I am
just speculating on that. I really don't
know what transpired in regards to this
document, so I'm just speculating.

Q. But as you sit here today, you
can't think of any particular reason why
your name would be on this document?

A. I can't, no.

Q. That's fine.

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Minor 48

MR. RICKNER: Now, I would like to mark as Exhibit 91, COB 1328 through 1329.

(Document Bates stamped COB 00001328 through 00001329 marked Exhibit 91 for identification)

MS. HUGGINS: 91 is in front of the witness.

MR. RICKNER: All right. I would just like him to review this document and see if he can identify it for the record.

A. All I can tell you is it looks like a statement because of the form.

Q. Okay. One moment. I'm sorry. I may have grabbed the wrong one of these statements.

(Pause)

MR. RICKNER: I got the right one. Thanks.

Q. Let me just ask you. Do you remember a gentleman by the name of Melvin Calhoun?

A. No, I don't recall him.

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Q. Do you remember the district attorney ever asking you to sort out how it was that Melvin Calhoun was shown a picture of Russell Montgomery by Wymiko Anderson also known as Pumpkin?

A. No.

Q. Now, do you recognize the name Wymiko Anderson?

A. No.

Q. Do you recognize the street name or nickname Pumpkin?

A. I'm not sure.

Q. Do you remember if you ever had any contact with anybody named Pumpkin with respect to the Paul Pope homicide?

A. I'm not sure.

Q. Do you remember in April of 1998 witnesses discussing the fact that Russell Montgomery may have killed Tomika Means?

A. No.

Q. Do you remember at any time any witnesses discussing the fact that Russell Montgomery may have killed Tomika Means?

A. No.

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Minor 50

Q. Do you remember any officers discussing the fact that Russell Montgomery killed Tomika Means, at any time?

A. No.

Q. In April of 1998, do you remember anyone discussing anything with respect to the Tomika Means homicide at the Buffalo Police Department?

MS. HUGGINS: Objection to form.
You can answer.

A. I don't recall specific conversations about the Tomika Means case.

Q. Do you remember any general conversations about the Tomika Means case in April of 1998?

A. Not that I can explain what was going on, who was talking or where it happened, no.

Q. Well, what can you say with respect to conversations regarding the Tomika Means homicide in April of 1998, even if you don't remember who said it?

A. Not very much. Just the shock of the case itself. You know, that the

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witness was left alive from the road rage thing and the witness remained adamant about who did the homicide.

Q. Do you remember anything else?

A. No -- maybe a description of how it transpired. The shooter allegedly went across the passenger to shoot the driver. And just thinking how terrifying it could possibly be and all that.

Q. Now, do you remember having a discussion with the actual witness about this or is this information that you heard secondhand?

A. I don't remember having an actual discussion with the witness.

Q. Now, do you remember a homicide involving somebody named Robert Cooperwood?

A. Not offhand, no.

MR. RICKNER: I would like to have him take a look at Exhibit 57.

MS. HUGGINS: Exhibit 57 is in front of the witness.

MR. RICKNER: Did you review this with him prior to the deposition?

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Minor 52

MS. HUGGINS: I did. Can I just orient him to --

MR. RICKNER: Yes. Let's go off the record and do whatever you feel is necessary to refresh his recollection.

MS. HUGGINS: Off the record.
(Pause)

MS. HUGGINS: The record should reflect I just read Exhibit 57 to the witness.

Q. Now, Detective Minor, based on Exhibit 57, is it fair to say that you went with Robert Chella to an appointment with Wymiko Anderson?

A. Based on the report, yes.

Q. Okay. Do you have any independent recollection of that happening or not happening?

A. No, sir.

Q. Do you have any reason to believe that you didn't meet with Wymiko Anderson a/k/a Pumpkin on July 3, 1998?

A. No.

Q. Do you remember Wymiko Anderson

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Minor 53

providing any inaccurate information with
respect to any homicide?

A. No.

MR. RICKNER: Now I'd like to
mark Exhibit 92, COB 1391.

(Document Bates stamped COB
00001391 marked Exhibit 92 for
identification)

MS. HUGGINS: Say the number
again, Rob.

MR. RICKNER: COB 1391. It is a
6/6/99 P-73.

MS. HUGGINS: Let me just write
it down. What did you say?

MR. RICKNER: 1391, a 6/6/99
P-73.

MS. HUGGINS: Oh. It is of
course what is right in front of me.

That is Exhibit 92?

MR. RICKNER: Yes.

MS. HUGGINS: Exhibit 92 is in
front of the witness.

MR. RICKNER: Have you gone over
Exhibit 92 with him previously?

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Minor 54

MS. HUGGINS: We have, but I am going to ask permission to review it again with him.

MR. RICKNER: Okay.

MS. HUGGINS: Off the record.

(Pause)

MS. HUGGINS: The record should reflect I just read Exhibit 92 to the witness.

Q. Now, detective, based on Exhibit 92, would it be correct that you and Robert Chella showed a set of keys to Wymiko Anderson to see if she could recognize them?

A. According to the report.

Q. When you say according -- you mean according to the report that is a correct statement?

A. Yes.

Q. Do you have any independent recollection of that?

A. No.

Q. Do you have any reason to believe it didn't happen?

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A. No.

Q. Thank you.

MR. RICKNER: If you don't mind, could you cull a selection of exhibits for me.

MS. HUGGINS: Sure.

MR. RICKNER: 19 through 27.

Under the circumstances, this may take a little more time than usual, so I don't know if we want to go off the record.

But as I've done in prior depositions, I would like him to go through these and maybe eyeball them with his jeweler's loop and tell me if he recognizes the handwriting in any of them.

If he wants to do 19 through 27 all at once and see if that works. Up to you.

MS. HUGGINS: What he is asking is essentially for you to go through all the pages to see if you recognize any of the handwriting.

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Minor 56

THE WITNESS: I'm not going to be able to do that.

A. Sir, I'm not trying to be funny. I used to be able to do that and --

Q. No, no. I understand. I am trying to -- I guess what I am going to say is why don't you do your best and if it doesn't work out, then we will put it on the record that it didn't work out.

MS. HUGGINS: Rob, I guess what I would ask maybe is perhaps we put on the record that he is wearing corrective lenses and has at various times used the jeweler's magnifying glass.

MR. RICKNER: After he is done, we can put a whole thing on the corrective lenses, jeweler's loop that he thought it would be helpful.

If he can't tell me whether he recognizes any of that handwriting, so be it.

Really I am hoping he recognizes his own, which is the most likely.

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Minor 57

MS. HUGGINS: I am sure he hopes
he recognizes his own.
(Pause)
A. I'm sorry, sir. Can I go over it
again?
MS. HUGGINS: Yes, absolutely.
(Pause)
A. Sorry, sir. No, I don't
recognize any of it.
Q. Okay.
MR. RICKNER: Can we let the
record reflect that the witness had an
opportunity to spend some time with
Exhibits 19 through 27. He is wearing
corrective lenses, has a jeweler's loop
at his disposal and he was not able to
identify the handwriting in any of
those documents.
Q. Is that correct?
A. Well, the jeweler's thing is --
it doesn't -- I use this to look at
prescriptions, you know, things of that
nature.
You know, I always keep it with

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me so I can see little fine print and stuff like that.

And these glasses are not prescription. These are designed because my cornea -- there is too much light coming in.

Q. Okay.

A. So I have to cut down on the light and that's what these help me to do.

As far as prescriptions, I have yet to progress to that point where I can have prescription lenses for my one eye that I have vision. So, I mean, this is not a joke.

Q. I am not stating it is.

A. It is difficult for me to try to read anything that is written. I wish I could. But I really can't.

Q. I have no doubt.

MS. HUGGINS: Can we go off the record for a moment.

(Discussion off the record)

Q. Just, for the record, would it be correct to say you have vision -- you only

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Minor 59

have vision in one eye, is that what you just said?

A. Yes, sir.

MR. RICKNER: Can we get Exhibit 62, please.

MS. HUGGINS: Yes.

(Pause)

MS. HUGGINS: Exhibit 62 is in front of the witness.

MR. RICKNER: Thank you very much.

Q. Now, can you just take a look at Exhibit 62 for me, do your best, and tell me if you recognize this handwriting.

A. No, sir.

Q. Okay. Now, we've been going about an hour-and-a-half. I actually don't have that much more, under the circumstances. So do you want to stretch your legs?

I have one additional exhibit. It looks like I printed out the wrong affidavit.

A. I'm fine.

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MS. HUGGINS: If you tell me what to print out, I will print it or if you want to email it to me --

MR. RICKNER: I will email it right now.

MS. HUGGINS: -- we can push through and be done.

MR. RICKNER: I really don't have a ton left.

(Pause)

MR. RICKNER: Here it is.

I'm going to step away for two seconds.

MS. HUGGINS: Okay. Let me know when you are ready.

MR. RICKNER: Okay. I will pop back on.

(Recess)

MR. RICKNER: Did you get the exhibit?

MS. HUGGINS: Yes. I am going to ask that I have an opportunity to review it with him.

MR. RICKNER: Yes. In fact, I

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insist.

I'd like to mark Exhibit 93 for
the record. It is Epps 1321.

(Document Bates stamped
EPPS-DA-01321 marked Exhibit 93 for
identification)

(Pause)

MS. HUGGINS: The record should
reflect that I just read Exhibit 93 to
the witness.

Q. Now, Detective Minor, did you
sign Exhibit 93? Is that your signature?

A. Appears to be.

Q. Do you remember anything
surrounding the circumstances in which you
signed Exhibit 93?

A. No, sir.

Q. Did you say no, sir?

A. Right.

Q. Do you know who drafted Exhibit
93?

A. No.

Q. Do you know why the district
attorney was looking for you to sign

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Exhibit 93 and submit it into the record?

A. No.

Q. Now, do you still live in Buffalo?

A. No.

Q. Do you still live in Western New York?

A. Yes.

Q. Do you remember seeing on the news when Cory Epps was exonerated?

A. No.

Q. Prior to learning about this lawsuit, did you learn that Cory Epps had been exonerated?

A. Yes.

Q. When did you learn that Cory Epps had been exonerated?

A. Well, I learned -- some people were talking about it outside my church.

Q. Do you remember which people were talking about it? Anybody in relation to the Buffalo Police Department?

A. No.

Q. When you heard them talking about

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it, did you remember you worked on the case?

A. Yes. I remembered Cory Epps and I worked on the case, yes.

Q. What was your reaction to him being exonerated?

A. I was a little surprised because no one contacted Homicide and I thought that would be me and whoever else was involved. And since I didn't hear anything from the Homicide Unit or about it, so...

Q. So would it be correct to say that you weren't aware of a re-investigation into the Cory Epps homicide?

A. That is correct.

Q. Do you know somebody who went by Chief Joseph Riga?

A. Yes.

Q. Did you know that Chief Riga is now with the district attorney's office?

A. Oh, yes.

Q. Did you know he was involved with the Epps re-investigation?

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A. No.

Q. He never called you with respect to the Epps re-investigation?

A. Not that I recall.

Q. Okay. When was the last time you spoke with Joseph Riga?

A. It's been a while, but I would see him on occasion in passing. You know, we would speak. Other than that --

Q. When did you first become aware of this lawsuit?

A. It was when the attorney here was trying to contact me.

Q. Without going into the substance of your communications with your attorney, can you tell me just what month and year that was?

A. This year.

Q. Do you know Detective Charles Aronica?

A. Yes.

Q. When was the last time you spoke to Detective Aronica?

A. Years.

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Q. What about Detective Raniero
Massechia?

A. Many, many years.

Q. You haven't spoken to him for
many, many years?

A. Yes.

Q. What about Detective Robert
Chella, when was the last time you spoke
with him?

A. Same. Many years.

Q. How about Detective Anthony
Constantino, when was the last time you
spoke with him?

A. Maybe a couple of years because,
on occasion, he was associated with the
district attorney's office. So, you know,
when I'd go over there, he would joust with
me about still working in Homicide. A
couple of years.

Q. When did you retire from
homicide?

A. I believe 2018.

Q. When was the last time you spoke
with detective James Giardina?

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A. That's been many years.

Q. What about Detective Mark Stambach, when is the last time you spoke with him?

A. I haven't spoken with Stambach, but, Stambach on occasion, would inquire about my health.

Q. Okay. So when do you think you last spoke with him?

A. Years. A couple of years.

Q. What about Detective John Bohan?

A. No, I haven't spoken with him in a long time. I wish I had. He was a good partner, but I haven't spoken with him in years.

Q. Have you discussed this lawsuit with any of the other detectives?

A. No.

Q. Besides your attorney, have you discussed this lawsuit with anyone?

A. No. I was shocked about it, but...

Q. Now, besides what you testified to today, is there anything else that you

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remember that we haven't discussed with
respect to the Tomika Means homicide?

A. No. But I would love to see
pictures of these individuals.

Q. Which individuals?

A. All of them. You know, I -- you
know --

Q. I don't have a picture of Tomika
Means, but I have pictures of lots of other
people, if you want to take a look.

A. Yes.

THE DEFENDANT: What's the name
of --

MS. HUGGINS: Wymiko Anderson.

MR. RICKNER: I don't think I
have a picture of Wymiko Anderson.

MS. HUGGINS: I don't believe
there is one that I have either.

A. I mean, that's just out of
curiosity for myself because I don't recall
talking to these individuals that I -- it
has been documented that I have. But, you
know, just seeing a picture might, you
know -- you know.

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2 Q. Okay. With respect to the murder
3 of Paul Pope, is there anything that you
4 remember that we haven't discussed?

5 A. No. No. I think I said to my
6 attorney the thing that I remember about it
7 is the uniqueness of the scene itself,
8 because we almost missed it. So...

9 Q. What do you mean by you almost
10 missed it?

11 A. Scenes, you have to take your
12 time on the scenes. And we were, you
13 know -- the scene, at first you didn't see
14 too much of any trace evidence. But then
15 as, you know, I was talking to my sergeant,
16 I was telling him the importance of just
17 taking your time on it and we started to
18 see trace evidence at the scene.

19 I was so excited about that
20 because we would have missed it. That
21 scene -- that case would have just fell
22 through.

23 So the trace evidence was there
24 and that's what opened it up. So I was
25 excited about that. That's why I remember

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the scene so much.

But as far as the rest of it --

Q. Understood.

So besides this discussion of this scene, is there anything else that you remember about the murder of Paul Pope in the investigation that we haven't discussed?

A. No, sir.

Q. We have been testifying for, I don't know, about two hours. Is there anything that you testified to that you think is inaccurate?

A. No.

Q. Do you have any questions?

MS. HUGGINS: No.

MR. RICKNER: All right. I think that's the end for me.

I will put a statement on the record that in the event that there is some sort of a procedure or cure that restores a significant amount of the detective's sight, we reserve the right to take his deposition again.

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THE WITNESS: I would like a cure
for that.

MS. HUGGINS: I think everyone
involved would love it if his condition
improves.

MR. RICKNER: That's it.

MS. HUGGINS: Thanks, everyone.

(Time noted: 12:30 p.m.)

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REGINALD MINOR

Subscribed and sworn to
before me this day
of 2021

CERTIFICATE

STATE OF NEW YORK)
) ss.
COUNTY OF NEW YORK)

I, Lisa Mango, a Shorthand Reporter
and Notary Public within and for the State
of New York, do hereby certify:

That REGINALD MINOR, the witness whose
deposition is hereinbefore set forth, was
duly sworn by me and that such deposition is
a true record of the testimony given by such
witness.

I further certify that I am not
related to any of the parties to this action
by blood or marriage and that I am in no way
interested in the outcome of this matter.

LISA MANGO

March 29, 2021

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